STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of FURCRON, Minor.

UNPUBLISHED
August 16, 2011

No. 300717
St. Joseph Circuit Court
Family Division
LC No. 2009-000428-NA

Before: SAWYER, P.J., and WHITBECK and OWENS, JJ.

PER CURIAM.

Respondent T. Wirick appeals by right the order terminating her parental rights to her minor child for failure to provide proper care or custody, MCL 712A.19b(3)(g), and a reasonable likelihood of harm if the child returned to respondent's home, MCL 7.12A.19b(3)(j). We affirm.

I

Respondent left her child with her mother and her mother's boyfriend, even though she knew that the two were in a violent relationship. After an argument, respondent's child was left with her mother's boyfriend and found in extremely dirty conditions. The Department of Human Services (DHS) required respondent to refrain from drugs and alcohol, submit random screens, cooperate with services, and obtain suitable housing, income, and transportation. After respondent failed to comply with these requirements, the trial court terminated respondent's parental rights.

II

Respondent argues that DHS failed to provide sufficient services and make reasonable efforts to reunify the respondent with her child. We disagree.

The validity of procedures followed in child protective proceedings is a question of law subject to de novo review. *In re CR*, 250 Mich App 185, 200; 646 NW2d 506 (2002). Reasonable efforts to reunify parents and children must be made "in all cases" except those involving aggravated circumstances not present here. MCL 712A.19a(2); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). MCL 712A.18f(3)(d) states that a case service plan (CSP) must include a "[s]chedule of services to be provided to the parent . . . to facilitate the child's return . . . home or facilitate the child's permanent placement." Further, the court must view the parent's failure to substantially comply with the CSP as evidence that return to the parent's home

would cause a substantial risk of harm. MCL 712A.19a(5); *Mason*, 486 Mich at 159 n 9; *Trejo*, 462 Mich 341, 360-361 n 16; 612 NW2d 407 (2000).

Based on the documents on file, respondent was sufficiently informed of what she needed to do and why DHS and service providers felt she was not meeting the requirements. She was given direction and feedback at visitations and hearings. Respondent was given over a year to improve, along with several professionals to assist and offer specific feedback. Therefore, DHS did make a reasonable effort to reunify the respondent with her child.

III

Respondent next argues that the trial court incorrectly concluded that her conduct or capacity would harm the child or that she would not provide proper care to her child. We disagree.

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination and that termination is in the child's best interest. MCR 3.977(H)(3); MCL 712A.19b(5); *Trejo*, 462 Mich at 355; *In re B and J*, 279 Mich App 12, 17; 756 NW2d 234 (2008). This Court reviews the lower court's findings under the clearly erroneous standard. MCR 3.977(K); *Mason*, 486 Mich at 152; *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999), reh den 460 Mich 1205 (1999); *B and J*, 279 Mich App at 17. A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses. *Mason*, 486 Mich at 152; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *B and J*, 279 Mich App at 17-18.

Respondent's parental rights were terminated under MCL 712A.19b(3)(g) and (j). The evidence was sufficient to satisfy at least subsection (g). The evidence was clear and convincing that respondent could not now provide proper care for the child. Whether she could improve sufficiently, how much time it would take, and what was necessary, were given varying answers. Respondent had continuing problems with parenting and emotional stability. The court's decision to terminate parental rights was not clearly erroneous

IV

Finally, respondent argues that MCL 712A.19b(3)(g) and (j) are unconstitutionally vague. However, even if it were susceptible to an impermissible interpretation, the statute could be construed in a manner to avoid vagueness. *In re Gentry*, 142 Mich App 701, 709; 369 NW2d 889 (1985). And such an interpretation could validly be applied to the circumstances in the case at bar. See also *Kenefick v City of Battle Creek*, 284 Mich App 653, 655; 774 NW2d 925 (2009).

Affirmed.

/s/ David H. Sawyer
/s/ William C. Whitbeck
/s/ Donald S. Owens